

(ORDER LIST: 546 U.S.)

MONDAY, JANUARY 23, 2006

**CERTIORARI -- SUMMARY DISPOSITION**

04-1315 LONG ISLAND CARE AT HOME, ET AL. V. COKE, EVELYN

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of the Department of Labor's Wage and Hour Advisory Memorandum No. 2005-1 (December 1, 2005).

**ORDERS IN PENDING CASES**

05M46 BUGENIG, ROBERTA V. HOOPA VALLEY TRIBE, ET AL.

The motion for leave to file a petition for a writ of certiorari to the Hoopa Valley Tribal Court of Appeals is denied.

05M47 BLAIR, JAMES N. V. CALIFORNIA

05M48 ALLEN, GARRY T. V. DISTRICT COURT OF OK

The motions for leave to proceed *in forma pauperis* without affidavits of indigency executed by petitioners are granted.

05M49 DUONG, CO QUY V. DRETKE, DIR., TX DCJ

05M54 NEVILLE, ROBERT J. V. DRETKE, DIR., TX DCJ

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

134, ORIG. NEW JERSEY V. DELAWARE

The motion of respondent for appointment of a Special Master is granted and it is ordered that Ralph Lancaster, Esquire, of

Portland, Maine, be appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, to summon witnesses, to issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Special Master is directed to submit Reports as he may deem appropriate. The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, stenographic and clerical assistants, the cost of printing his Reports, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct.

04-1324 DAY, PATRICK V. CROSBY, SEC., FL DOC  
 04-1506 AR DEPT. OF H&HS, ET AL. V. AHLBORN, HEIDI  
 04-1527 S.D. WARREN CO. V. ME BD. OF ENVTL. PROTECTION

The motions of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument are granted.

04-1528 ) RANDALL, NEIL, ET AL. V. SORRELL, WILLIAM H., ET AL.  
           )  
 04-1530 ) VT REPUBLICAN STATE COMM. V. SORRELL, WILLIAM H., ET AL.  
           )  
 04-1697 ) SORRELL, WILLIAM H., ET AL. V. RANDALL, NEIL, ET AL.

The motion of petitioners Neil Randall, et al. and Vermont Republican State Committee, et al. for divided argument is denied. The motion of respondents William H. Sorrell, et al. for divided argument is granted. The motion of respondents William H. Sorrell, et al. for additional time for oral argument is denied.

04-1544 MARSHALL, VICKIE L. V. MARSHALL, E. PIERCE  
04-1618 NO. INS. CO. OF NY V. CHATHAM COUNTY, GA  
04-9728 SAMSON, DONALD C. V. CALIFORNIA

The motions of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument are granted.

04-10566 ) SANCHEZ-LLAMAS, MOISES V. OREGON  
          )  
05-51     ) BUSTILLO, MARIO A. V. JOHNSON, DIR., VA DOC

The motion of petitioner Moises Sanchez-Llamas for appointment of counsel is granted. Peter Gartlan, Esquire, of Salem, Oregon, is appointed to serve as counsel for the petitioner in this case. The motion of petitioners to dispense with printing the joint appendix is granted.

05-204     ) LEAGUE OF UNITED LATIN, ET AL. V. PERRY, GOV. OF TX, ET AL.  
          )  
05-254     ) TRAVIS COUNTY, TX, ET AL. V. PERRY, GOV. OF TX, ET AL.  
          )  
05-276     ) JACKSON, EDDIE, ET AL. V. PERRY, GOV. OF TX, ET AL.  
          )  
05-439     ) GI FORUM OF TX, ET AL. V. PERRY, GOV. OF TX, ET AL.

The motion of appellants in Nos. 05-254, 05-276, and 05-439 for divided argument is granted. The time is to be divided as follows: 40 minutes for appellants in No. 05-276 and 20 minutes for appellants in No. 05-439. The motion of appellants in No. 05-204 for divided argument is denied.

05-184 HAMDAN, SALIM A. V. RUMSFELD, SEC. OF DEFENSE

The motion of petitioner for an order directing the parties to submit supplemental briefing is denied. The Chief Justice took no part in the consideration or decision of this motion.

**CERTIORARI DENIED**

04-989 HORTON, SARAH J., ET AL. V. BANK ONE, N.A., ET AL.

04-1729 LPP MORTGAGE, LTD. V. BRINLEY, STUART C., ET AL.

05-58 FINK, MAXANN C., ET AL. V. BARNHART, COMM'R, SOCIAL SEC.

05-353 PEABODY WESTERN COAL CO., ET AL. V. EEOC

05-497 LUKOWSKI, JAMES R., ET AL. V. CSX TRANSPORTATION, INC.

05-519 WIRZBURGER, MICHAEL, ET AL. V. GALVIN, WILLIAM F., ET AL.

05-635 SMITH, SUSAN V. AMERICAN AIRLINES, INC., ET AL.

05-645 SCHEIBLER, DONNA, ET VIR V. HIGHMARK BLUE SHIELD

05-647 RAMOS, MILMA G. V. 1199 HEALTH CARE EMPLOYEES

05-648 FREEDMAN SEATING CO. V. AMERICAN SEATING CO.

05-651 FOX, CALVIN D. V. FLORIDA, ET AL.

05-652 IRWIN, JEREMIAH L. V. PENNSYLVANIA

05-653 BRONCO WINE CO., ET AL. V. JOLLY, JERRY R., ET AL.

05-707 SHOBAR, JAMES, ET AL. V. CALIFORNIA, ET AL.

05-717 SAPORITO, THOMAS V. DEPT. OF LABOR, ET AL.

05-728 BROTHER, THOMAS E. V. TEXAS

05-760 KEVIN SHARP ENTERPRISES, INC. V. ALABAMA, EX REL. TYSON

05-781 PLANESI, RONALD D. V. PETERS, REGISTER OF COPYRIGHTS

05-803 JILES, E. W. V. UNITED STATES

05-811 BULLARD, LILLIAN V. INKSTER HOUSING, ET AL.

05-6282 AZEEZ, JAMAL A. V. RUBENSTEIN, COMM'R, WV DOC

05-6773 CORTEZ, RICHARD V. RYAN, ACTING WARDEN

05-7103 GARCIA-FLORES, JOSE DE JESUS V. UNITED STATES

05-7207 FRAZIER, DANTE G. V. UNITED STATES

05-7606 HOLLY, CHRISTOPHER V. PATRIANAKOS, DIMITROS, ET AL.

05-7607 HOLLY, CHRISTOPHER V. WOOLFOLK, D., ET AL.

05-7629 HERNANDEZ, JAMES V. TEXAS

05-7648 KOGER, FREDERICK S. V. FLORIDA, ET AL.

05-7654 ROBERTS, WAYNE D. V. ROBERTS, WARDEN

05-7676 SILLICK, BRIAN R. V. AULT, WARDEN

05-7679 AKMAL, ADAMA A. V. RAWERS, WARDEN

05-7680 AKMAL, ADAMA A. V. RAWERS, WARDEN

05-7681 AKMAL, ADAMA A. V. RAWERS, WARDEN

05-7683 BRADBERRY, PATRICK N. V. SCHRIRO, DIR., AZ DOC, ET AL.

05-7686 SETZKE, RAYMOND V. NORRIS, DIR., AR DOC

05-7695 KEGEL, JOHN L. V. CHANOS, ATT'Y GEN. OF NV, ET AL.

05-7701 THOMAS, J. B. V. CROSBY, SEC., FL DOC, ET AL.

05-7711 WEIZENECKER, DONALD A. V. HELLING, WARDEN, ET AL.

05-7764 PATKINS, DAVID C. V. CALIFORNIA

05-7775 LACY, JOHNNY V. BERGE, WARDEN

05-7794 GONZALEZ, NARCISO P. V. SCHRIRO, DIR., AZ DOC, ET AL.

05-7801 PFEFFER, ANTHONY V. McBRIDE, WARDEN

05-7823 MOGUL, MICHAEL L., ET AL. V. GERDS, THOMAS G., ET AL.

05-7842 THACKER, DARRELL V. KENTUCKY

05-7845 BRUNK, ROBERT D. V. CROSBY, SEC., FL DOC, ET AL.

05-7854 BOWLING, RONNIE L. V. KENTUCKY

05-7859 GREEN, MICHAEL V. CROSBY, SEC., FL DOC, ET AL.

05-7876 DURDEN, BRIAN K. V. FLORIDA

05-7880 DRAYTON, McDANIEL V. CROSBY, SEC., FL DOC, ET AL.

05-7882 SCOTT, BYRON L. V. RUNNELS, WARDEN

05-7897 HEATH, GLENN A. V. ROBERTS, WARDEN, ET AL.

05-7910 BECKLEY, ROBERT V. MINER, WARDEN, ET AL.

05-7924 NIXON, RICHARD V. FLORIDA

05-7958 PETSCHOW, JEREMY V. COLORADO

05-7972 SINGLETON, MICHAEL V. V. CROSBY, SEC., FL DOC, ET AL.

05-7997	TOLLIVER, KEVIN A. V. OHIO
05-8029	WANGUL, VICTOR V. OHIO
05-8081	SVEUM, MICHAEL A. V. SMITH, WARDEN
05-8089	STACEY, ELECIA V. UNITED STATES
05-8177	GIBBS, FERREL B. V. UNITED STATES
05-8181	WALKER, JACQUES V. UNITED STATES
05-8182	CANNON, TROY V. UNITED STATES
05-8185	TORRES GONZALES, RAMON V. UNITED STATES
05-8189	HORTON, JOHN D. V. MARTIN, JAMES A., ET AL.
05-8191	GATES, KEITH V. UNITED STATES
05-8192	HICKMON, LEVORY W. V. ALPERT, ERIC
05-8196	JOHNSON, JAMES E. V. UNITED STATES
05-8198	GRAY, WILLIAM C. V. UNITED STATES
05-8199	MEDINA, JUAN U. V. UNITED STATES
05-8200	LINCOLN, ROBERT W. V. UNITED STATES
05-8202	LUEBBERT, FREDERICK B. V. UNITED STATES
05-8203	HACKNEY, CLAYTON W. V. UNITED STATES
05-8204	GOFF, DENNIS L. V. UNITED STATES
05-8205	NICHOLS, MICHAEL R. V. UNITED STATES
05-8206	PEREZ, JOSE A. R. V. UNITED STATES
05-8207	HERNANDEZ, ISRAEL T. V. UNITED STATES
05-8208	FLENOID, LARRY V. UNITED STATES
05-8210	BELL, THOMAS J. V. UNITED STATES
05-8213	ANDERSON, JOHN D. V. UNITED STATES
05-8214	AVENDANO, JIMMY B. V. UNITED STATES
05-8215	LASKO, LAWRENCE L. V. UNITED STATES
05-8216	RODRIGUEZ, EPIGMENIO V. UNITED STATES
05-8217	RODRIGUEZ, RAFAEL V. UNITED STATES

05-8218 SMITH, DAWAN E. V. UNITED STATES  
05-8219 SEBASTIAO, JOAO D. V. UNITED STATES  
05-8223 VAZQUEZ, BENJAMIN V. UNITED STATES  
05-8224 WILLIAMS, RODNEY H. V. USDC ED VA  
05-8225 TIMOTHY, TREMAINE N. V. UNITED STATES  
05-8226 TERRAZAS, JESUS V. UNITED STATES  
05-8229 CRUZ, SUSANA V. UNITED STATES  
05-8230 CORREA, MAGDALENA V. UNITED STATES  
05-8231 ERHART, STEPHEN V. UNITED STATES  
05-8232 CORTEZ-VILLANUEVA, JOSE V. UNITED STATES  
05-8233 YOUNG, VINCENT L. V. UNITED STATES  
05-8234 MARTIN, WALTER H. V. UNITED STATES  
05-8237 DOBSON, STEVE C. V. UNITED STATES  
05-8239 VILLAGOMEZ-CORONA, RAMON V. UNITED STATES  
05-8240 JONES, ALVIN E. V. UNITED STATES  
05-8241 WILLIAMS, AMIN W. V. UNITED STATES  
05-8242 VELA-SALINAS, LUIS R. V. UNITED STATES  
05-8243 VARACALLI, ERNEST V. UNITED STATES  
05-8244 YOUNG, ANTHONY V. UNITED STATES  
05-8246 ZAWADZKI, JASON V. UNITED STATES  
05-8247 WALTON, ROSCOE V. UNITED STATES  
05-8249 LEVY, WARRICK L. V. UNITED STATES  
05-8251 JONES, JIMMY V. UNITED STATES  
05-8261 ALVAREZ-BRAVO, JOSE L. V. UNITED STATES  
05-8262 BLOCK, JEFFREY F. V. UNITED STATES

The petitions for writs of certiorari are denied.

05-365 SEEGARS, SANDRA, ET AL. V. GONZALES, ATT'Y GEN., ET AL.

The petition for a writ of certiorari is denied. The Chief

Justice took no part in the consideration or decision of this petition.

05-566 DIMICK, CHAIRPERSON, ET AL. V. REPUBLICAN PARTY OF MN, ET AL.

The motion of Missouri Bar for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

05-638 MILEIKOWSKY, GIL N. V. TENET HEALTHSYSTEM, ET AL.

The motion of Association of American Physicians & Surgeons, Inc., et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

05-686 ROPER, SUPT., POTOSI V. WHITE, LEAMON

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

05-763 RESEARCH IN MOTION, LTD. V. NTP, INC.

The motion of Intel Corporation for leave to file a brief as *amicus curiae* is granted. The motion of Canadian Chamber of Commerce, et al. for leave to file a brief as *amici curiae* is granted. The motion of Government of Canada for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

05-8002 ELLEDGE, WILLIAM D. V. FLORIDA

The petition for a writ of certiorari is denied. Justice Breyer would grant the petition for certiorari.

#### **HABEAS CORPUS DENIED**

05-8286 IN RE WAADEW AYSISAYH

05-8292 IN RE ARTHUR D'AMARIO, III

The petitions for writs of habeas corpus are denied.



**MANDAMUS DENIED**

05-7645 IN RE JOHN MONTFORD

The petition for a writ of mandamus and/or prohibition is denied.

**REHEARINGS DENIED**

04-631 WAGNON, JOAN V. PRAIRIE BAND POTAWATOMI NATION

04-10630 IN RE STEPHEN H. GLAGOLA

04-10753 LEBAR, DAYTON V. MONROE CTY. CHILDREN, ET AL.

05-403 YEE, WILLIAM R. V. SHIAWASSEE COUNTY, MI, ET AL.

05-429 BROWN, SHIRLEY A. V. AAMES CAPITAL CORP., ET AL.

05-5207 JACKMAN, DONALD G. V. UNITED STATES

05-5490 JONES, RODRIGUEZ V. UNITED STATES

05-6510 BENAVIDES, WALTER A. V. McGRATH, WARDEN

05-6695 MASIARCZYK, FRANK V. JOHNSON, DARWIN F., ET AL.

05-6740 GANT, ERIC L. V. UNITED STATES

05-7178 JONES, NATHANIEL H. V. SOUTH CAROLINA, ET AL.

05-7307 LEVON, TODD V. UNITED STATES

The petitions for rehearing are denied.